

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: 3692
)
Pei-Yuan Zhou, et al.) Examiner: Loftus, Ann E.
)
Application No. 10/078,051) Confirmation No.: 6331
)
Filed: February 15, 2002)
)
For: Content-based Billing)
)

Mail Stop Amendment

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIRMENT

Sir:

The Applicants hereby respond to the Office Action mailed May 7, 2009 in the above-referenced application. The Office Action required restriction under 35 U.S.C. § 121. The Office Action identified Claims 1 and 38 and their dependents as Group I, Claim 78 and its dependents as Group II, and Claim 102 and its dependents as Group III. The Office Action required restriction of the application to Group I, Group II, or Group III.

Applicants traverse the requirement with respect to Groups I & II, but do not traverse the requirement with respect to Group III. **Restriction of Group II from Group I is improper because there is no actual search and examination burden.** Claim 78 has **already been searched and examined** at least once, and various features of Claim 78 have been recited in other claims throughout prosecution of the Application. Claim 78, as amended, recites no features that were not already examined in the Office Action of November 14, 2008, as part of Claim 78 or as part of its dependent claims.

In fact, not only should it not be unduly burdensome for the Office Action to continue its examination of Claim 78, it would be highly inefficient for the Office to require restriction of a Claim that has already been examined, only to have to re-exam that Claim in a subsequent divisional application. Thus, in the interest of efficiency, Applicants urge the Office to withdraw its restriction of Group II from Group I.

Nonetheless, Applicants hereby provisionally elect to prosecute the claims of Group I, consisting of Claims 1, 38, and their dependents.

No fee is believed to be due in connection with this paper. However, throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

Date: May 22, 2009

/KarlTRees#58983/

Karl T. Rees, Reg. No. 58,983

2055 Gateway Place, Suite 550
San Jose, CA 95110
(408) 414-1233
Facsimile: (408) 414-1076